

**OFFICIAL SUMMARY PROCEEDINGS  
OF THE BOARD OF COUNTY COMMISSIONERS, TETON COUNTY, WYOMING**

The Teton County Board of Commissioners met in regular meeting on **April 20, 2021** in the Commissioners Chambers located at 200 S. Willow in Jackson. The meeting was called to order at 9:00 a.m. and the Pledge of Allegiance was recited.

**ROLL CALL**

County Commission via Zoom: Natalia Macker, Chairwoman, Luther Propst, Vice-Chairman, Mark Barron, Mark Newcomb and Greg Epstein were present.

**ADOPTION OF AGENDA**

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to adopt today's agenda as presented. Chairwoman Macker called for the vote. The vote showed all in favor and the motion carried.

**CENTENNIAL MINUTE** - Chairwoman Macker shared historical pieces from 1921 in celebration of Teton County's 100<sup>th</sup> year.

**CONSENT AGENDA**

A motion was made by Commissioner Propst and seconded by Commissioner Epstein to place the following Matters from Staff on a Consent Agenda:

2. Consideration of FY2020 SHSP GAA Amendment 1
4. Consideration of Use of FY2021 Road and Levee Contingency Funding for Levee Rock Purchase
5. Consideration of Amendment #2 to Contract with Alder Environmental for Groundwater Monitoring Services
6. Consideration of Rec Center Water Softener Replacement
7. Consideration of Rec Center Leisure Pool Sand Filter Replacement
9. Consideration of Old Bill's Fun Run Grant Applications
10. Consideration of LVE Easement at Gros Ventre River Parcel
11. Consideration of 5-Year Extension with W.S. DOE for Air Samplers
12. Consideration of an Employee Lease Agreement for Hoback Cabin #9
13. Consideration of Approval of Grant Submittal to State of Wyoming for FY22 Treatment Court
14. Consideration of Approval to Begin 45-Day Comment Period for Public Health/Environmental Health/Family Planning Fees
15. Consideration of homesites at Shooting Star West – Release of Subdivision Agreement
18. Consideration of Appointment of Hearing Officer for Blue Crane Creek v. Planning Director

Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

A motion was made by Commissioner Epstein and seconded by Commissioner Propst to approve the items on the Consent Agenda with the motion as stated in their respective staff report. Chairwoman Macker called for the vote. The vote showed all in favor and the motion carried.

**MATTERS FROM COMMISSION AND STAFF:**

**2. Consideration of FY2020 SHSP GAA Amendment 1**

To approve the FY2020 State Homeland Security Program Grant Award Agreement Amendment One

**4. Consideration of Use of FY2021 Road and Levee Contingency Funding for Levee Rock Purchase**

To approve \$250,000 of FY2021 Road & Levee contingency funds for the purchase of approximately 7,500 tons of levee rip-rap rock from Oftedal Construction

**5. Consideration of Amendment #2 to Contract with Alder Environmental for Groundwater Monitoring Services**

To approve Amendment #2 to extend the Contract with Alder Environmental for \$33,759 to perform WDEQ-required semi-annual groundwater sampling, reporting and analysis at the Teton County Horsethief Canyon Landfill, with a new expiration date of April 30, 2022.

**6. Consideration of Rec Center Water Softener Replacement**

To approve the award of the purchase and installation of a new Water Softener System in the Rec Center to JH2O Water Conditioning and Filtration LLC, at cost of \$8,860.

**7. Consideration of Rec Center Leisure Pool Sand Filter Replacement**

To approve the purchase and installation of a new Leisure Pool Filter Tank in the Rec Center. Vendor to complete the project will be CEM Aquatics, at cost of \$27,878.

**9. Consideration of Old Bill's Fun Run Grant Applications**

To approve and affirm JH Fire/EMS, ISWR, Health Department, Jackson/Teton County Affordable Housing Department, and Teton County/Jackson Parks and Recreation application to the 2021 Old Bill's Fundraising and Grant program.

**10. Consideration of LVE Easement at Gros Ventre River Parcel**

To approve the Electric Distribution Easement with Lower Valley Energy located on the county owned parcel on the northeastern side of the Gros Ventre Bridge on Spring Gulch Road.

**11. Consideration of 5-Year Extension with W.S. DOE for Air Samplers**

To extend the 2016 Agreement for placement of the air samplers on County Owned property for an additional 5 years.

**12. Consideration of an Employee Lease Agreement for Hoback Cabin #9**

To approve the Lease Agreement for Hoback Cabin #9, located at 11055 S highway 89, with County employee Joshua Butteris.

**13. Consideration of Approval of Grant Submittal to State of Wyoming for FY22 Treatment Court**

To approve a resolution authorizing the submission of a grant application to the Wyoming Behavioral Health Division for FY2022 Treatment Court funding

**14. Consideration of Approval to Begin 45-Day Comment Period for Public Health/Environmental Health / Family Planning Fees**

To approve the 2021 Fee Resolution for Public Health and authorize the Board of Health to begin the public comment period, hold a public hearing, and vote on whether to finalize the adoption of the 2021 Fees for Public Health

**15. Consideration of homesites at Shooting Star West – Release of Subdivision Agreement**

To approve the Release of Subdivision Improvement Agreement for the Homesites at Shooting Star West.

**18. Consideration of Appointment of Hearing Officer for Blue Crane Creek v. Planning Director**

To approve the Order Determining that Contestant has Standing and to further approve the Order Appointing the Hearing Officer in regards to the Blue Crane Creek, LLC v. Teton County Planning Director contested case.

**DIRECT CORRESPONDENCE**

1. Joan Anzelmo 4/7/2021 email regarding Sagebrush Pathway
2. Bridger Teton National Forest 4/8/2021 email regarding Broadcast Burning Notification/Snake River
3. Jake Elkins 4/9/2021 email regarding Scenic Preserve Trust Easement
4. Orion J. Graham 4/9/2021 email regarding COVID Restrictions/Ordinances in Teton County
5. Eric Weinheimer 4/9/2021 email regarding WY22 Speeds
6. Chi Melville 4/12/2021 email regarding USDA Request for Comments Re: Climate Change
7. Wayne R. Grim 4/12/2021 email regarding COVID Restrictions/Ordinances
8. Jared Baecker 4/12/2021 email regarding BLM Parcels
9. Rose Caiazza 4/12/2021 email regarding Northern South Park Steering Committee Meeting Transparency
10. Erich Wilbrecht 4/13/2021 email regarding Stilson Ranch
11. Anne 4/13/2021 email regarding Response to Buckrail Piece on the Ski Season End

**PUBLIC COMMENT**

There was no public comment.

**MATTERS FROM COMMISSION AND STAFF**

Agenda item number 16 was heard first.

**16. Consideration of Restaurant Liquor License for Fireside Grill LLC – CONTINUED FROM 3-16-2021**

Shelley Fairbanks, Deputy County Clerk, presented to the Board the application for a restaurant liquor license for Fireside Grill LLC.

Public comment was given by the applicant, Jamie Mackay and Brad Flynt. Additional public comment was given by Cathy Schreiber.

A motion was made by Commissioner Epstein and seconded by Commissioner Barron to approve the issuance of a restaurant liquor license to Fireside Grill LLC for the period of March 17, 2021 through January 6, 2022 with the following four conditions:

1. Use Solely by Occupants of the Campground and Signage
2. No Advertisement as to Restaurant or Liquor or Malt Beverage Service
3. Hours of Operation will be no earlier than 11:00 a.m. and no later than 10:00 p.m.
4. A yearly compliance report will be submitted.

Chairwoman Macker called for a vote. The vote showed two in favor and the motion failed 3-2 with Commissioners Propst, Newcomb, and Macker in opposition.

**1. Consideration of 9-Month Budget Amendment**

Maureen Murphy, County Clerk, presented to the Board for consideration of approval amendments to the budget with the FY21 changes approved by the BCC for the fiscal year. These amendments have been approved throughout the last nine months by the Board of County Commissioners. These do not include the CARES Act Funding, nor projects that have not expended all of the funds.

- Fund 10 – Decrease of \$209,851.82 (due to BCC approved expenses in the last 9 months and funds from moving from Contingency to General Fund)
- Fund 12 – Increase of \$29,894 to fund balance (due to Public Health grants)
- Fund 37 – Decrease of \$6,000 per BCC approval

There was no public comment.

A motion was made by Commissioner Barron and seconded by Commissioner Propst to adopt the proposed nine-month budget amendment for FY21 as noticed on the Teton County Website as presented. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

### 3. Consideration of Approval of Bear Spray, Propane, Butane Canister Fees

Brenda Ashworth, Integrated Solid Waste and Recycling Superintendent, presented to the Board for consideration of approval 2021 tip fees for bear spray, isobutane, and propane canister disposal at the Recycling Center.

ISWR is proposing to adopt tip fees for the Teton County Recycling Center for bear spray, isobutane, and propane canister disposal. ISWR currently does not charge fees for bear spray, isobutane, and propane canister disposal. Advertising occurred for a 45-day period beginning on March 3, 2021.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Propst to approve the 2021 Tip Fees for bear spray, isobutane, and propane canister disposal. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

### 8. Consideration of Parks & Recreation Award of Purchase for Two (2) Half-Ton Pickup Trucks

Steve Ashworth, Parks and Recreation Director, presented to the board the purchase of one Gasoline 2021 Ford F-150, 4x4, pickup truck and one Hybrid Electric (HEV) 2021 Ford F-150, 4x4, pickup truck from Spradley Barr Ford in Cheyenne, WY.

It was the intent of staff to procure these vehicles in FY21 and request an amendment to account 19-4-019-800-000 Capital Equipment in the amount of \$64,307. Delivery on these vehicles is approximately 150 days out due to the impacts of COVID which means funding approval would be required in FY22 in account 19-4- 019-800-000.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Barron to award bid and approve purchase of one Gasoline 2021 Ford F-150, 4x4, pickup truck for the purchase price of \$27,034, from Spradley Barr Ford of Cheyenne, WY with funding to be allocated in FY22 account 19-4-019-800-000. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

The meeting recessed at 9:49 a.m. and reconvened at 9:54 a.m.

### 17. Consideration of a Resolution to Ban Helicopter Tours in Grand Teton National Park

Commissioner Newcomb presented to the Board a resolution in support of legislation to ban helicopter tours in Grand Teton National Park.

Last spring the Jackson Hole Airport Board approved a permit for Wind River Aviation to operate commercial helicopter tours based out of the airport, which is located within Grand Teton National Park. Grand Teton National Park is the only national park in the United States that contains an airport that operates under a lease agreement with the National Park Service. The Jackson Hole Airport Board of Directors and Grand Teton National Park managers work cooperatively to decrease noise and impacts over the park through noise reductions plans, and education and outreach to the commercial and private pilots who frequent the Jackson Hole Airport. The additional noise and overflights of these incompatible helicopter tours counteract the efforts of the airport and park to reduce noise over the park.

Jim Elwood, Jackson Hole Airport Executive Director, answered questions from the Board.

Public comment was given by Steve Lobst, Kevin Cochary, Ellen Fales, Mary Jo Dorman, Sharon Mader, Jeffrey Cohen, Kim Springer, Ali Noland, and Franz Camenzind.

A motion was made by Commissioner Propst and seconded by Commissioner Newcomb to approve the Resolution calling for a permanent ban of helicopter and air tours over Grand Teton National Park and surrounding public lands and wilderness areas in Teton County with the amendments discussed in today's meeting. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

The meeting recessed at 10:35 and reconvened at 10:40 a.m.

### MATTERS FROM PLANNING AND DEVELOPMENT

- 1. Permit:** VAR2020-0003 - **CONTINUED FROM APRIL 13, 2021**  
**Applicant:** Brian & Joan Francis  
**Presenter:** Chandler Windom  
**Request:** Variance pursuant to Section 8.8.2 of the Teton County Land Development Regulations to vary Section 5.1.1.D.2.a, the 150-ft river setback, for a building addition/remodel.  
**Location:** Tract F, Rogers Point subdivision. The property address is 1675 E River Drive, located south of Hoback Junction. The lot overlooks the confluence of the Hoback and Snake Rivers. The property is zoned Neighborhood Conservation and is within the Natural Resources Overlay.

Chandler Windom, Senior Planner, Planning and Building Services, variance pursuant to Section 8.8.2 of the Teton County Land Development Regulations (LDRs) to vary Section 5.1.1.D.2.a for the 150-foot setback/buffer required from a river for future building additions and associated improvements.

The owner, Brian Francis, is requesting a variance to the required 150-ft river setback for a future addition to his home located at 1675 E River Drive in Hoback. The existing home and cabin are located approximately 90 ft from the top of the riverbank at the closest point. The owner wishes to build an addition to the home, as well as

relocate the older cabin in order to create a more functional living space but maintain the character of the property. This application was previously presented at the September 15, 2020 Board of County Commissioners meeting. Prior to that meeting the applicant discovered new information about the existing cabin that required them to substantially revise their application. The Board voted to remand this application back to staff so that it could be properly reviewed.

Brian Francis, the applicant, commented in support of the variance.

Susan Johnson, SJ Planning Solutions, for the applicant, presented a slideshow detailing setbacks.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Barron to approve VAR2020-0003, updated January 26, 2021, to vary the 150 ft River Setback for the proposed improvements at 1675 E River Drive, with one condition, being able to make the six (6) findings of Section 8.8.2 as recommended by staff:

1. Approval of this variance does not approve the staircase to the riverbank as illustrated on the plans.

Commissioner Epstein amended his motion to include a second condition: expiration of the variance would be five years from the date of approval as the applicant had asked.

Commissioner Barron, the second to the motion, accepted the amendment.

Chairwoman Macker proposed an amendment to the motion creating condition number 3; that the guest cabin shall be at least 85 feet from the river.

Commissioner Epstein, the motion maker, and Commissioner Barron, the second, accepted the Chairwoman's friendly amendment to add a third condition regarding an 85-foot river setback.

The meeting recessed at 11:35 a.m. and reconvened at 11:38 a.m. in order to clarify what had been moved.

The motion was summarized as such:

To approve VAR2020-0003, updated January 26, 2021 to vary the 150 ft River Setback for the proposed improvements at 1675 E River Drive, with three conditions, being able to make the six findings of section 8.8.2.

1. Approval of this variance does not approve the staircase to the riverbank as illustrated on the plans.
2. The Variance will expire 5 years from the date of approval, April 20<sup>th</sup> 2026
3. The guest cabin shall be setback at least 85 feet from the Hoback River

Chairwoman Macker called for a vote on the motion. The vote showed all in favor and the motion carried.

- 2. Permit:** DEV2020-0005 – **POSTPONED TO THE MAY 4, 2021 BCC HEARING**  
**Applicant:** TETON PINES LIMITED LIABILITY COMPANY  
**Presenter:** Chandler Windom  
**Request:** A Development Permit pursuant to Section 8.3.2 of the Teton County Land Development Regulations to renovate the Teton Pines pool, activity barn, and tennis court commercial area.  
**Location:** 3450 Clubhouse Drive is located within the Teton Pines Commercial Area on Lot 2 Jackson Hole Racquet Club Resort Commercial Area 3rd Amendment. This property is immediately east of the Teton Pines Golf Course and west of State Hwy 390. The lot is zoned Planned Unit Development-Neighborhood Conservation (PUD-NC) and is partially within the Natural Resources Overlay.

A motion was made by Commissioner Barron and seconded by Commissioner Propst to continue DEV2020-0005 to the May 4, 2021 BCC meeting. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

- 3. Permit:** SD2021-0001  
**Applicant:** LONGNECKER FAMILY TRUST, THE  
**Presenter:** Chandler Windom  
**Request:** Plat Amendment, pursuant to Section 8.2.13 of the Teton County Land Development Regulations, to vacate the Lot 25 building envelope on Plat No. 852 and re-plat an amended building envelope pursuant to Section 8.5.3 of the Land Development Regulations.  
**Location:** Lot 25 is located on the western edge of the Altamont subdivision in Alta, with no street address. It borders 3 roadways: N Stateline Rd to the west, Altamont Rd to the south, and Creekside Rd to the east and is approximately 1/3 mile north from the intersection with Alta Ski Hill Rd. The property is zoned Rural-Legacy and is within no overlays.

Chandler Windom, Senior Planner, Planning and Building Services, presented to the Board a Plat Amendment, pursuant to Section 8.2.13 of the Teton County Land Development Regulations (LDRs), to vacate the Lot 25 platted building envelope on Plat No. 852 and re-plat an amended building envelope pursuant to Section 8.5.3 of the LDRs.

The applicant is requesting a plat amendment to vacate the building envelope on Lot 25 and re-plat the new 1.20 acre building envelope. The proposed amended plat will result in the vacated Lot 25 becoming Lot 34 of the 7th Filing of the Altamont Subdivision.

There was no public comment.

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to approve SD2021-0001, dated February 12, 2021 for the partial vacation and re-plat of a building envelope on Lot 25 of the Altamont Subdivision, being able to make the four (4) findings of Section 8.5.3. and the standards of Section 8.2.13.C., being

able to make the finding pursuant to Wyoming Statute §34-12-108, that such partial vacation does not abridge or destroy any of the rights and privileges of other proprietors in Plat No. 852, with no conditions, and request the Teton County Clerk to write vacate on Lot 25 of Plat No. 852.

Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

A motion was made by Commissioner Newcomb and seconded by Commissioner Epstein to convene as the Scenic Preserve Trust. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

The meeting convened as the Teton County Scenic Preserve Trust at 11:49 a.m. in order to discuss EAS2020-0002

4.     **Permit:**             EAS2020-0002  
       **Applicant:**       JACKSON HOLE MOUNTAIN RESORT CORPORATION  
       **Presenter:**       Rian Rooney  
       **Request:**         Amendment of the Teton County Scenic Preserve Trust easement to remove 3.49 acres from the easement at Lot 1 of Stilson Park Subdivision and to encumber 3.51 acres under easement at Lot 1 of Stilson Ranch Subdivision.  
       **Location:**        Lot 1 of Stilson Park Subdivision does not have a street address, but it is located north of the intersection of Highway 22 and Moose-Wilson Road, immediately adjacent to the Stilson Parking Lot. The property is zoned Rural-2 and is located within the Scenic Resources Overlay and partially within the Natural Resources Overlay.

The Board expressed the desire to continue this item so that it may be discussed in conjunction with Stilson Site Master Plan.

Public Comment was made by Jackson Hole Conservation Alliance, Renee Seidler of the Jackson Hole Wildlife Foundation and Baird Garrett.

A motion was made by Commissioner Epstein and seconded by Commissioner Propst to continue EAS2020-0002 until the November 2, 2021 BCC Regular meeting. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to reconvene as the Board of County Commissioners. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

#### **EXECUTIVE SESSION**

A motion was made by Commissioner Epstein and seconded by Commissioner Barron to enter executive session pursuant to Wyoming Statute §16-4-4-5(a)(ii) to discuss personnel. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

The meeting entered executive session at 11:57 a.m.

Commission Present: Natalia D. Macker, Luther Propst, Mark Barron, Mark Newcomb, and Greg Epstein were present via Zoom.

Clerk: County Clerk Maureen Murphy was present in the Chambers.

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to exit executive session. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

The meeting exited executive session at 12:02 p.m.

#### **ADJOURN**

A motion was made by Commissioner Propst and seconded by Commissioner Barron to adjourn. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried. The meeting adjourned at 12:04 p.m.

Respectfully submitted,  
Chalice Weichman  
Deputy County Administrative Clerk

TETON COUNTY BOARD OF COMMISSIONERS

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Natalia D. Macker, Chairwoman

ATTEST:

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Maureen E. Murphy, County Clerk